
EXHIBIT A

☐ EXPEDITE
☐ No Hearing is Set
☐ Hearing is Set:
 Date:
 Time:
 Judge/Calendar:

**SUPERIOR COURT OF WASHINGTON
 FOR THURSTON COUNTY**

MICHELLE HEAY and SHAWN HEAY, married
 adults; and the ESTATE OF CHRIS HEAY,

Plaintiffs,

v.

MICHELLE ANDERSON, an adult individual;
 and OLYMPIA SCHOOL DISTRICT,

Defendants.

NO. 18-2-06409-34

COMPLAINT

COME NOW, Michelle and Shawn Heay, on behalf of themselves; and, as next of kin, on
 behalf of their deceased son, Chris Heay; and, as personal representative of the Estate of Chris Heay,
 on behalf of the Estate of Chris Heay; and for a complaint against Michelle Anderson and the
 Olympia School District, complain and allege as follows:

1. PARTIES

1.1 Michelle and Shawn Heay are the parents of Chris Heay, deceased.

1.2 Chris Heay was a junior at Capital High School, and died in the spring of 2017.

1.3 Michelle Anderson was the Vice Principal of Capital High School in the summer of
 2016, and the winter and spring of 2016/2017.

1.4 The Olympia School District is a School District organized under the laws of the State
 of Washington.

COMPLAINT - 1

CUSHMAN
 LAW OFFICES, P.S.
 ATTORNEYS AT LAW

924 CAPITOL WAY SOUTH
 OLYMPIA, WASHINGTON 98501
 (360) 534-9183 FAX: (360) 956-9795

2. FACTS

2.1 In the summer of 2016, Chris Heay, then a junior at Capital High School, was diagnosed with cancer. Although he was going to be in treatment, and taking chemo therapy, he wanted to attend school in the fall of 2016. He was an athlete and a popular child with many friends. He lived for his school affiliations and activities.

2.2 During the summer break Michelle Heay informed Capital High School of Chris's illness. She did not say he was being removed from school. Before school began in September, Michelle Heay went to the website at which parents may access their child's class schedule, to see what classes Chris would be taking, and was surprised to find that he was not listed as a student. She then called the high school and was informed by a clerk that Michelle Anderson had "un-enrolled" Chris. Michelle Heay contacted the school and ask that Chris be enrolled because that was very important to him. Michelle Anderson refused to allow him to enroll. Doug Heay, Chris's grandfather, and the former principal of Capital High School, contacted the school and asked that Chris be enrolled, as that was critically important to Chris. Even if he was not going to survive the illness, Chris wanted to be as much as part of his high school class as he could be. When Doug Heay was principal, he had occasion to provide special instruction to ill students and always made an accommodation for them. Doug Heay was stunned when his request was denied.

2.3 Chris Heay was crushed when he learned he had been kicked out of school for being ill. He told his parents that he was certain this was Michelle Anderson's way of retaliating against him, as she had been critical of Chris at school the prior year, and they had an unpleasant relationship. Instead of being part of his junior year and participating as much as his illness allowed, in the final six months of Chris's life he was cut off from the main source of joy and connection he had in life: his school and his class mates.

2.4 Attached as Exhibit A is the Tort Claim filed by Plaintiffs against the Olympia School District. More than 60 days have passed since the Tort Claim was filed.

3. FIRST CAUSE OF ACTION: TORT OF OUTRAGE

3.1 It was outrageous for Michelle Anderson to kick Chris Heay out of school for getting ill. Michelle Anderson did this out of spite, and malice, as she and Chris Heay had been in contest the prior year. It foreseeably caused Chris Heay, and his parents, extreme emotional distress to have Chris kicked out of school and cut off from his social network, friends and school while he battled his cancer, a battle that he ultimately lost.

3.2 The Olympia School District is both directly liable, as it endorsed this decision by Michelle Anderson, and vicariously liable, as she is the Vice Principal of Capital High School.

4. SECOND CAUSE OF ACTION: VIOLATION OF RCW 49.60.030

4.1 Michelle Anderson and the Olympia School District discriminated against Chris Heay because of his disability, and denied him equal rights with other students, without just cause. This action caused extreme emotional distress to Chris Heay and to his parents.

5. THIRD CAUSE OF ACTION: VIOLATION OF THE AMERICANS WITH DISABILITIES ACT (ADA)

5.1 In failing to offer a proper accommodation to Chris Heay, and allowing him to remain in school despite his disability of cancer, the Olympia School District violated the ADA. The Olympia School District should be ordered to create a policy to ensure that no student is ever again punished for getting cancer, but instead such student should be accommodated, and allowed to continue to learn and relate with their per group for so long as they are able.

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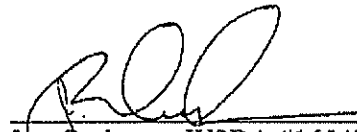
6. PRAYER

Having stated their complaint, Plaintiffs pray for the following relief:

- 6.1 For a judgment in favor of each Plaintiff, and against Michelle Anderson and the Olympia School District in an amount to be proved at trial;
- 6.2 For costs and attorneys' fees as allowed by RCW 49.60 et seq.;
- 6.3 For an injunction ordering the OSD to have a policy to protect future students such as Chris Heay who become disabled by disease from being punished, instead of being reasonably accommodated; and
- 6.4 For such other and further relief as the Court deems proper.

DATED this 24 day of December, 2018.

CUSHMAN LAW OFFICES, P.S.



Jon Cushman, WSBA #16547
Attorney for Plaintiffs

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SUMMONS

A lawsuit has been started against you in the above-entitled court by Plaintiffs.

In order to defend against the lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the Plaintiffs within 20 days after the service of this Summons, or within 60 days if this Summons was served outside the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiffs are entitled to what they ask for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the Plaintiffs file the lawsuit with the court. If you do so, the demand must be in writing and must be served upon the Plaintiffs. Within 14 days after the service of the demand, the Plaintiffs must file this lawsuit with the court, or the service on you of this Summons and Complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This Summons is stated pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

SUMMONS - 1

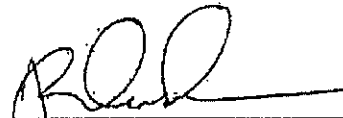
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DATED this 24th day of December, 2018.

CUSHMAN LAW OFFICES, P.S.



Jon Cushman, WSBA #16547
Attorney for Plaintiffs